

From: Lois Laczko May 7, 2010 11:31:49 AM
Subject: Design Review Board Minutes 03/09/2010 ADOPTED
To: SimsburyCT_DesignMin
Cc:

ADOPTED

Design Review Board Minutes
March 9, 2010
Regular Meeting

I. CALL TO ORDER

Chairman Dahlquist called the meeting to order at 5:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Kevin Gray, Rick Schoenhardt, Rita Bond, William Gardner, Mark Naccarato, Anthony Drapelick, and John Carroll. Also present was Hiram Peck, Director of Planning.

II. APPOINTMENT OF ALTERNATES

There were none.

Commissioner Carroll stated that, according to the Design Review Board rules, the Board is to elect officers.

Commissioner Carroll made a motion to amend the agenda to elect officers. Commissioner Drapelick seconded the motion, which was unanimously approved.

Commissioner Carroll made a motion to nominate Emil Dahlquist as Chairman of the Design Review Board. Commissioner Schoenhardt seconded the motion, which was approved. Chairman Dahlquist abstained.

Commissioner Carroll made a motion to nominate Kevin Gray as Secretary of the Design Review Board. Commissioner Drapelick seconded the motion, which was approved. Commissioner Gray abstained.

III. DISCUSSION AND POSSIBLE RECOMMENDATION FOR PLANNED AREA DEVELOPMENT (PAD) REGULATION FOR ZONING COMMISSION HEARING ON MARCH 15, 2010

Chairman Dahlquist stated that the February 1, 2010 draft regulation has been a long time in the making. This document was distributed to the Board

members at the last meeting.

Mr. Peck stated that this draft started about one year ago. This PAD Regulation followed the PDD Regulation. The Board of Selectmen decided that they wanted the Town to take a new look at a mixed use regulation. He and the Town Attorney put together this draft. Mr. Peck stated that they went to many different groups regarding this approach to the regulation in order to get their input.

Mr. Peck stated that this draft regulation was sent to a Subcommittee; they had 10-11 meetings to discuss this draft regulation. The process was discussed, although many of their discussions revolved around the standards of the regulation. After their final meeting, the Subcommittee made a referral to the Zoning Commission. The Zoning Commission did not come to a consensus. Currently, this draft has been refined; there are some form based terms reflected in the regulation. This is reflective of a regulation that is intended to get an applicant in to talk to the Boards and Commissions early on in the process in order to discuss their concept. If Boards and Commissions like the application at the preliminary application stage, they can tell the developer that they like it; that they feel the concept has merit, although certain changes need to be made; or that this is not a good project for the Town. The idea is to get input from the Land Use Commissions prior to an applicant spending a lot of money.

Mr. Peck stated that at the end of the draft, there is an Appendix A. This page reflects some sections of the POCD which discusses community form. He feels that this concept can be covered even if this appendix comes out of the draft as long as there is a clean clear reference to the POCD. Mr. Peck stated that he will also be making this suggestion to the Planning Commission.

Mr. Peck stated that there are also minor wording changes that will be proposed. This is the regulation that will be going to public hearing. These changes that they are discussing tonight will be recommended changes to the Zoning Commission at the public hearing.

Chairman Dahlquist questioned if there was a timeframe for the Zoning Commission to approve this regulation after the public hearing has closed. Mr. Peck stated that there is not a time limit. He feels that the Zoning Commission will act as soon as possible after the close of the public hearing. They will get the input from the public hearing and revise the draft regulation if necessary. If substantial changes are made to the regulation after the public hearing, another public hearing will need to be held.

Mr. Peck stated that Attorney Sitkowski has been retained by the Board of Selectmen to review this regulation. He will be submitting comments to the Zoning Commission prior to the public hearing.

Chairman Dahlquist stated that he was a part of the PAD Subcommittee. The big issue was the idea of complexity. He stated that there are simple, complicated and complex properties. The other issue was the context for what part of Town this would go in, in regards to appropriate scale, location and character; these are issues that were hard to reconcile. He stated that another major concern of the Subcommittee was the specificity.

Mr. Peck stated that the Town Center Code will be more of a form based code with more standards, although the PAD Regulation is not a form based code. The way that the standards are drafted is important. He stated that this is a zone change. The Commission does not have to make any zone changes that they do not feel are appropriate.

Chairman Dahlquist questioned if there was a definition of vagueness. Mr. Peck stated that this is the purpose of the initial meetings with the applicant and the Land Use Boards.

Chairman Dahlquist stated that a concern is if there is a lot of flexibility, the Commission can deny anything for little reason, and also approve anything for little reason. Mr. Peck stated that this is not true. In order to change a zone, there needs to be good reason; the application would need to fall within the bulk of the parameters.

Commissioner Gray stated that he feels there is a step missing prior to the preliminary meeting. He would like to see the applicant or developer come to discuss their concept with the Town staff even prior to the preliminary meeting. Mr. Peck stated that he will be suggesting this to the Zoning Commission, although he does not have language for this yet. Mr. Peck stated that he would like to see the developer come in prior to investing a lot of time and money.

Chairman Dahlquist stated that the primary areas of concern to this Board will be the design standards. He suggested that the Board members go through the entire document together and discuss any areas of concern.

Chairman Dahlquist stated that in areas of Town that could support a large scale development, he stated that people want some assurance that there is an overall strategy comprehensive plan. Mr. Peck stated that the POCD does a good job laying out this overall long range plan. The regulation lists, as a clear guideline, the POCD. He stated that the Town Center Code will be put in place for downtown, although discussions need to be had for other areas in Town.

Regarding the recommended draft, dated February 1, 2010, Chairman Dahlquist stated that Section One, Item A, he feels that these are reasons for a PAD instead of the purpose and intent. He is unsure if this is a necessary section. Commissioner Gray suggested having a flowchart to see how the process will work. Chairman Dahlquist questioned how often the Design Review Board would be involved in this process. In the final development plan phase, there is a report needed to be given to the applicant by this Board unless waived.

Commissioner Gray stated that Number 23 under Final Development Plan, the Inland Wetland and Watercourses Agency and the Conservation Commission should be together because they are the same Commission in Simsbury. Mr. Peck stated that the Inland Wetlands and Watercourses Agency and the Conservation Commission are one Commission, although they have two very different functions.

Regarding Section Two, Definitions, Chairman Dahlquist questioned if the definition for PAD should be more detailed. Mr. Peck stated that Comprehensive Plan will also be defined. Commissioner Gray stated that Town staff should also be defined or be more specific.

Regarding Section Four, Standards, Review Criteria and Waiver, Commissioner Drapelick questioned if there would be a certain percentage for coverage. Mr. Peck stated that the main reason for coverage, in addition to the design criteria, has to do with storm water control. The storm water needs to be controlled either on the site or have access to an easement or some way to control it offsite. Mr. Peck stated that the PAD Subcommittee had a great deal of discussion regarding this. He stated that the Zoning Commission needs to make sure all of these finds are environmentally compatible.

Commissioner Bond stated her concern that there is no minimum for open space and public amenities.

Regarding Parking, Commissioner Drapelick feels that there should be some recommendation that would encourage the applicant to have less parking. Regarding Lighting, Commissioner Drapelick questioned if dark skies was a law. Mr. Peck stated that the idea is to prevent trespass of excess lighting off of the property. Chairman Dahlquist stated that another issue is intensity in relation to adjacent properties.

Commissioner Carroll stated that the design standards are the regulations of a regulatory process. The design guidelines are a place where this Board can say what their intent is in different areas. This can be said in language and in graphics. He stated that guidelines and standards are two

different things. Commissioner Carroll stated that he feels the illustration is not included; what is appropriate and inappropriate. He feels that this needs to be presented to the public as well as to the applicant. The guidelines are a part of this process. He feels this is absent in this regulation. It may need to be referenced or through an appendix. Mr. Peck stated that this regulation allows the Design Review Board to take the Community Design Guidelines and plug them into the regulation.

Regarding Section Four, under Lighting, Commissioner Gray suggested that the second sentence be reworded. In this same section, under Drainage, Commissioner Schoenhardt suggested adding the wording, "...in so far as practicable, watercourses shall be left in their natural state...".

Regarding Section Four, Development Plan Design Standards, Commissioner Bond stated that the term, "enclosure" is very vague. She feels that there should be a better description of enclosure.

Chairman Dahlquist stated that he looked at the mixed use regulation from Mansfield, which he distributed to the Board members. He stated that giving an objective with standards makes a lot of sense. Chairman Dahlquist stated that there needs to be common language between the Zoning Commission and the Design Review Board in terms of when evaluating applications. Mr. Peck stated that this Board already has language in the Design Guidelines which can be used instead of writing new language.

Regarding Section Four, Review Factors and Criteria, Chairman Dahlquist stated that some of these did not strike him as criteria. Commissioner Gray suggested that Section 7, Subheading C., Review Factors and Criteria, should be combined. He feels that there is a lot of duplication between them.

Chairman Dahlquist stated that Section Four impacts the Design Review Board the most.

Mr. Peck asked the Board to put their changes together in writing. The Design Review Board can then state their changes at the public hearing.

Chairman Dahlquist stated that no action will be taken tonight. He asked that everyone who made suggestions to e-mail them to him. He will be speaking at the public hearing as the Chairman of the Design Review Board, if that is the consensus of the Board members. The Board members agreed that this Board should make comments regarding this document at the public hearing.

Commissioner Carroll stated that if the design guidelines are included in

this draft regulation, he feels it will then be complete. Mr. Peck stated that the design guidelines that the Design Review Board has adopted are referenced in several sections of this regulation and may be further referenced.

Commissioner Schoenhardt stated that he is not opposed to adding to this document, although he feels that it is adequate in terms of outlining standards or a basis for review of developments that will be proposed. He stated that he is comfortable with the wording of the draft regulation even though the wording does not flush out everything that the Design Review Board will be thinking about when looking at a proposal. He believes that it gives this Board whatever authority and status that is necessary in considering proposals.

IV. DISCUSSION

Town Center Form-Based Code Content

There was no report.

Status of the Incentive Housing Zone Study

There was no report.

V. CORRESPONDENCE

There were none.

VI. STAFF REPORTS

There were none.

VII. APPROVAL OF MINUTES of February 23, 2010 meeting

Commissioner Gray made a motion to approve the February 23, 2010 minutes as written. Commissioner Drapelick seconded the motion, which was approved. Commissioners Bond Naccarato and Gardner abstained.

VIII. ADJOURNMENT

Commissioner Gardner made a motion to adjourn the meeting at 7:00 p.m. Commissioner Drapelick seconded the motion, which was unanimously approved.